

REMARKS

Applicant acknowledges with appreciation that Claims 1, 2, 4, and 5 are allowed and that the only cited reference *Watanabe et al.* (U.S. Patent No. 4,306,030) is withdrawn as a prior art rejection. Applicant further acknowledges with appreciation the specific instructions provided in the Office Action in order to overcome current rejections based on formal issues. Claims 1, 2, 4, 5 and 7-14 remain in the case.

The Specification paragraph on page 23 ll. 8-18 is amended as advised in the Office Action to correct typographical errors.

Claims 7, 8, 10, 11, 13 and 14 were rejected under 35 U.S.C. 112.

Claims 7 and 8 were rejected under 35 U.S.C. 112 for containing the term "predetermined". Claims 7 and 8 have been amended as suggested in the Office Action, and the term "predetermined" is removed.

Applicant notes that Claim 9 was not acted upon in the Office Action and assumes Claim 9 is in condition for allowance (Specification page 13 ll. 19-21 and page 14 ll. 16-19). If Claim 9 is not in condition for allowance, Applicant respectfully requests that a prior art reference be cited and Applicant be afforded an opportunity to respond.

Claim 10 was rejected under 35 U.S.C. 112, first paragraph and 35 U.S.C. 132(a) as containing new matter. Claim 10 is amended as suggested in the Office Action by indicating that the refractory metal oxide is alumina.

Claim 11 was rejected under 35 U.S.C. 112 for claiming the range 1 to 74 μm and for including the term "approximately". Applicant respectfully submits that the claimed range 1 to 74 μm is disclosed in the application as filed and that the term approximately in Claim 11 was removed through the Rule 116 amendment submitted along with the Request for

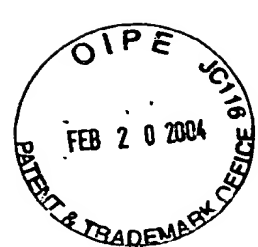
Continuing Examination filed October 30, 2003. Regarding the claimed range, the specification as originally filed reads:

The particle size of metallic silicon powder as the raw material is preferably 74 μm or less to prevent the residue of unreacted metallic silicon. Particle size of the metallic silicon particle is preferably 1 μm or more to secure the outlet path of gasses generated during baking process. (Specification page 9 ll. 17-21).

Hence, Applicant respectfully submits that the entire range from 1 μm to 74 μm is supported by the specification as originally filed.

Claims 13-14 were rejected for claiming "greater than 6 to 15% by mass of metallic silicon". These claims are herein amended to recite the range 5 to 15% as supported in the specification as originally filed (Specification page 9 ll. 13-17).

Applicant respectfully requests this rejection be withdrawn.



Patent
Docket No. 42598-1400

It is believed that all claims are in condition for allowance, and an early notification of the same is requested.

If the Examiner believes that a telephone interview will help further the prosecution of this case, he is respectfully requested to contact the undersigned attorney at the listed telephone number.

I hereby certify that this document and fee is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. §1.8 and is addressed to:

Mail Stop Amendments No Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On: February 17, 2004
Date

By: James Lee
Printed Name

[Signature]
Signature

Respectfully submitted,

[Signature]
Joseph W. Price
Registration No. 25,124
SNELL & WILMER LLP
1920 Main St., Suite 1200
Irvine, CA 92614
Telephone: 949/253-4920 (direct)

RECEIVED
FEB 25 2004